

Town of Trenton

HARBOR MANAGEMENT ORDINANCE

ARTICLE 1. PREAMBLE

1.1 AUTHORITY

This ordinance is adopted under the authority granted in Titles 12, 17, 30 and 38 MRSA, as amended.

1.2 SHORT TITLE

This ordinance shall be known as and may be cited as the "Harbor Management Ordinance of the Town of Trenton".

1.3 PURPOSES

The purpose of this ordinance is to provide for the just and orderly operation and regulation of marine activities on and within all tidal waters of the Town of Trenton, Maine in order to insure safety to persons and property, to promote availability and use of a valuable public resource, and to create a fair and efficient framework for the administration of that resource.

1.4 JURISDICTION

The provisions of this ordinance shall govern all marine activities on and within the tidal waters of the Town of Trenton.

ARTICLE 2. HARBORS AND CHANNELS

The purpose of this article is to define the boundaries of the harbors (and other mooring zones) of the Town of Trenton and the channels within these harbors/zones.

A. Jordon River (ZONE A) : Mooring Area

Encompasses the Town of Trenton's tidal waters beginning on the northern water boundary of the Town of Trenton on the Jordon River, following such waters south on the Jordon River to its mouth at Mount Desert Narrows.

B. Airport Harbor (ZONE B) :Harbor Limits

Beginning at a point on the shore southwest of the Airport Boat Ramp (44degrees 26' 28.79" N Latitude by 68 degrees 21' 31.28" W Longitude) following an imaginary line southwesterly approximately 921 yards at 169.84 degrees to a point off the southern bounds of the Trap Rock shoal, then to and

following northeasterly the offshore Trenton channel boundary described in Article 2 section G below, to a point at the mouth of the Jordan river (44degrees 26' 6.67" N Latitude by 68 degrees 20' 59.98" W Longitude) then following an imaginary line southwest 204.36 degrees approximately 926 yards to a point on the shore NE of the Boat ramp, then following such shore southwesterly to the beginning point above. Within this harbor area, a 100 foot wide access channel will extend, from the shore side edge of the Airport Boat Ramp on bearing 106 degrees East to the main channel described in Article 2 section G below.

C. Goose Cove Harbor (ZONE C) : Harbor Limits

Beginning at the most southeasterly point on Haynes Point (44 degrees 25' 26.89" N Latitude by 68 degrees 22' 24.05" West Longitude) extending on an imaginary line in a southwesterly direction of 204.49 degrees 1.1 nautical miles to the most southeasterly point on Alley Island (44degrees 24' 23.54" N Latitude by 68 degrees 23" 4.31" W longitude), from that point following the shore of Alley Island northerly to and around the shore of Goose Cove to the beginning point on Haynes Point as described above. Within this harbor area, a 100 foot wide access channel, from the described channel in Article 2 section G below, will extend 1 nautical mile north on bearing 324.94 degrees to the head of Goose Cove.

D. Oak Point (ZONE D): Mooring Area

Beginning at the most southwesterly point of Alley Island and encompassing all the Town of Trenton's tidal waters further southwesterly to an imaginary line from the most westerly point on the shore of the Oak Point peninsula (44 degrees 24' 5.43" N Latitude by 68 degrees 26' 6.38" W Longitude running 179.83 degrees southerly to the Town of Trenton's tidal water boundary at the end of Oak Point.

E. Union River (ZONE E) : Mooring Area

Beginning at the imaginary line from the westerly point on the Oak Point peninsula enumerated in Article 2 section D above and encompassing all of the Town of Trenton's tidal waters running north up Union River Bay to the Northern end of the Town's water boundary on the Union River outside Mill Cove.

F. Mill Cove Harbor (Zone F) :Harbor Limits

Beginning at a point on the most northwesterly shore of the peninsula immediately south of Mill Cove (44degrees 28' 14.22" N Latitude by 68 degrees 25' 38.48" W Longitude) following an imaginary line approximately 289 yards on bearing 30.49 degrees to the northerly Tidal water boundary of the Town of Trenton and then along such boundary in a southeasterly direction to and around the shore of Mill Cove to the beginning point above.

G. Channel Limits

For the purpose of this ordinance the channel limits shall include a fairway three hundred fifty feet wide, more or less, always running parallel and

adjacent shoreward to the Town lines forming the Towns' offshore boundaries along the Jordon River, the Airport Harbor, and the Goose Cove Harbor (Zones as described in Article 2 sections A-C above.and then running westerly 300 yards offshore parallel to the Town's offshore boundaries along Alley Island and the Oak Point Peninsula and then northerly up the Union River Bay to the Northern boundary of the Town of Trenton's tidal waters beyond Mill Cove (Zones as Described in Article 2 sections D-F above) , and any other channels specifically designated in this ordinance in Article 2

ARTICLE 3. HARBOR MASTER

3.1 Appointment

The Selectmen shall appoint the Harbormaster annually for a one-year term Beginning July 1st and ending June 31st. In the event that an appointment is not made by July 1st, the incumbent shall remain in office until a successor is appointed and sworn.

3.2 Duties and Responsibilities

- A. The duties and responsibilities of this office are prescribed by Title **12, 17** and **38** MRSA. The Harbor Master shall have full authority in the interpretation and enforcement of all regulations affecting the tidal waters of the Town of Trenton, Maine to the fullest extent permitted by law.
- B. Promote order in the harbors and assure safety and use of the harbors for the general public.
- C. Regulate approval and placement of all moorings according to the approved mooring plan.
- D. Assure that copies of all rules, regulations, ordinances, and other laws which pertain to the harbors, their use, and to vessels within the Town of Trenton, are available for inspection at the Town office.
- E. The Harbor Master shall be overseer of the Town's waterfront facilities including but not limited to moorings, floats, docks, and ramps and parking areas.
- F. Provides for the inspection of moorings, docks, floats, piers, and wharves, from time to time as his judgment may dictate, in the geographic areas covered by this ordinance and give notice to the owner of such structures which have fallen into a state of disrepair or which create a dangerous condition or may interfere with safe passage.

- G. The Harbor Master shall receive annual compensation as determined by the Board of Selectmen.
- H. The Harbor Master shall attend the meetings of the Harbor Committee

3.3 Deputy Harbor Master.

A Deputy Harbor Masters shall be recommended jointly by the Harbor Master and the Harbor Committee and approved by the Board of Selectmen. The Deputy Harbor Master shall serve under the direction of the Harbor Master and have full authority to enforce all harbor regulations in case of the harbor master's absence or disability or as otherwise conferred by the Harbor Master.

3.4 Enforcement

It shall be the duty of the Harbor Master to enforce the provisions of this ordinance. If the Harbor Master shall find any provision of this ordinance, or any rule or regulation promulgated pursuant to its authority, is being violated, he shall notify the person responsible for such violation, either verbally or in writing, indicating the nature of the violation and ordering the necessary action to correct it. A copy of written notices shall be maintained as a permanent record.

ARTICLE 4. HARBOR COMMITTEE

The Harbor Committee shall consist of not less than five (5) members nominated by the Board of Selectmen. Members shall be appointed for two-year terms and may be reappointed. Each member shall be a citizen of the Town of Trenton and shall represent diverse interests in the harbors. (I.e. recreational and commercial boat owners, abutting land owners, members of Town Boards and Committees and business owners.) In addition, a seat on the committee will be allocated to a representative of Hancock County whose responsibility embraces the administration of the Hancock Bar Harbor Airport.

4.1 Duties and Responsibilities

Shall be to oversee the harbors and advise and report to the Board of Selectmen as follows:

- A. To advise as to the custody, care, and management of the Town's waters, harbors and related facilities.
- B. To recommend policies, rules and regulations and changes to this ordinance pertaining to such waters and facilities
- C. To make recommendations on the construction of piers, wharves, bulkheads or other structures within the harbors.
- D. To propose fees.

- E. To develop short and long term harbor plans.
- F. To review the qualifications of persons applying for Harbor Master or Deputy Harbor Master and to make recommendations to the Board of Selectmen accordingly
- G. The committee shall annually choose one of its members as chairman and a different member as secretary. The secretary shall keep a record of all proceedings and make a report at close of each year for inclusion in the Annual Town Report.

4.2 MEETINGS

The chairman or the Harbor Master may call meetings of the committee. There shall be a minimum of two meetings per year. Notice of such meetings will be posted in the Trenton Town Office at least 10 days in advance, and all such meetings shall be open to the public.

4.3 QUORUM

A majority of the members appointed to the Committee shall constitute a quorum.

4.4 VOTE

The committee decisions will be made by vote of a majority of the members present and voting.

5. MOORINGS

- A. The Harbor Master shall have absolute authority over all moorings and mooring locations in accordance with the terms of this ordinance and the laws of the State of Maine. The Harbor Master will consult with the Airport Manager relative to mooring assignments to assure vessel placements, height limitations, etc. are consistent with air traffic safety requirements.
- B. Mooring permits for the harbors and other Mooring Areas of the Town of Trenton shall be issued for one year. The yearly registration fee as set by the Harbor Committee and approved by the Board of Selectmen shall be due and payable with the application. RIPARIAN owners are not required to pay a fee for their first mooring but must register them annually. Non-residents may be charged a higher fee than residents. All fees will be used to upgrade, maintain and supervise the Harbor, Bay and Town Landings areas and related facilities.
- C. Priority for enjoying the privilege of maintaining a mooring in the Town of Trenton shall be in accordance with the following:

- a) Riparian owners
- b) Residents
- c) Non-resident owners

D. The Harbor Master shall register all moorings with the following information:

- a. The applicant's name, address, telephone number and place of employment.
- b. The boat name, State and registration number, the vessel description, length, type, I.e. sail, power, inboard or outboard, and boat use.
- c. The signature of the applicant and date.
- d. Such other information as determined necessary by the Harbor Master.

E. The Harbor Master may deny an application due to insufficient information on the Mooring Application, failure to provide the required fee or reasons as specified by the Harbor Committee. He may also defer an application due to insufficient space for the desired mooring location or for other reasons specified.

F. No individual shall be allowed more than 2 mooring permits at a given time, unless a specific exception is made by the Harbor Master based on extenuating circumstances.

G. The Harbor Master shall annually assign locations to each mooring with the guidance of the MOORING PLAN for pleasure or commercial fishing vessels and ensure its placement in the correct location. All moorings not located in the correct locations shall be moved by the owner at his expense in accordance with the instructions of the Harbor Master. Failure to do so, the Harbor Master shall move or remove the improperly located moorings and the cost shall be borne by the owner of the mooring.

H. The Harbor Master shall keep a log of the assignment of moorings and submit the log to the Harbor Committee and the Selectmen annually on or before November 1 of the current year.

I. No person shall place, alter, or shift a mooring or buoy of any type within the boundaries of the harbors without the permission of the Harbor Master. Use of a mooring is not transferable, except with the written permission of the Harbor Master.

J. No person shall permit or place more than one craft at a mooring unless such craft does not interfere with adjacent moorings and anchorage or other navigational

conditions, or exceed the limits of the weight of the mooring as determined by the Harbor Master.

- K.** All moorings shall be numbered as assigned by the Harbor Master. The numbers shall be adequate size to be easily readable. They shall be placed on a floatable light colored and visible buoy attached to the mooring.
- L.** All moorings shall consist of a granite block, mushroom anchor or such other anchor of sufficient weight to hold the vessel for which they are to be used in accord with the "Mooring Specifications", Article 12 below. All moorings shall be approved by the Harbor Master before being placed and inspected by the Harbor Master or a certified inspector after placement, for compliance with the applicable mooring permit. Boat and/or mooring owners will be liable for any damage caused by faulty, inadequate, or improperly placed moorings.
- M.** Hand mixed concrete blocks, old engine blocks and other miscellaneous weighted objects are not acceptable as mooring anchors in the harbors.
- N.** The minimum mooring scope shall be approximately two times the water depth at maximum high water. At least *one half* of the total scope shall consist of chain.
- O.** Despite dimension standards established herein, any part of a mooring showing excessive or obvious wear or any mooring which does not meet the Harbor Master's approval shall not be permitted.
- P.** Every four (4) years at minimum, permanent moorings shall be either lifted by the owner and inspected by a designated certified inspector or be inspected and certified by a diver at the owner's expense. The Harbor Master shall maintain a file on each mooring listing the date of the last inspection and the name of the person who last inspected it.

ARTICLE 6. FEES

The Board of Selectmen with the recommendation of the Harbor Master and Harbor Committee shall annually set applicable application and mooring fees.

A. Town of Trenton Mooring Fees

Annual Mooring Registration Fee:	\$25.00	Resident
	\$50.00	Non-Resident
	\$200.00	Commercial
Mooring Application Processing Fee	\$5.00	

ARTICLE 7. HARBOR RULES

- A.** The Harbor Master is hereby authorized to remove or cause to be removed any vessel or boat from any wharf in the tidal waters of Trenton when so requested by the owner of said wharf and whenever he shall deem it necessary he may remove or cause to be removed any vessel, boat or raft which shall anchor or lie contrary to this Ordinance, rule, regulation or State of Maine Statute. Prior to taking such action the Harbor Master shall make a good faith effort to attempt to notify the owner or person having care of said boat, vessel, or raft, and to order said owner or person responsible for said boat in an expeditious manner, the Harbor Master may remove or cause said removal at the expense of the owner of said vessel. In the event that any person after having been ordered to comply fails to so comply, action may be undertaken by the Harbor Master as in other cases where violations occur, as provided in the Ordinance.
- B.** No person shall cause to be abandoned any boat, vessel, cradle or raft within the defined harbors and Mooring Areas of the Town of Trenton. Any such objects left within the confines of such areas which shall appear to the Harbor Master to have been unattended for a period of thirty (30) days shall be deemed to be abandoned. The Harbor Master, may in his discretion, order the last owner (if known) to remove same within ten (10) days. In the event that the last owner is unknown or uncertain, or not reasonable available for notification or determination, the Harbor Master shall attach to said abandoned property a notification ordering the objects removal within ten (10) days. In the event that the removal as herein provided and as may be ordered by the Harbor Master is not accomplished within said ten (10) day period, the Harbor Master may remove, or cause its removal at the expense of the last known owner and such said object or property, in not claimed, and removal expenses are not paid by November 1st of each year, may be sold by the Town of Trenton and all monies retained from said sale shall inure to the benefit of said Town of Trenton.
- C.** Any vessel or boat may be denied access to the Town ramp or floats if it is structurally unsafe, unseaworthy, or it emanates obnoxious fumes, fluids, oils, or other obnoxious substances.
- D.** Any tender, skiff, dory or dinghy left tied to a Town float or ramp that is sunk or awash for a period exceeding seven (7) days shall be deemed abandoned. The object may be impounded by the Harbor Master and may be disposed of in the same manner as in 9.2 hereof. The Town shall not be liable for any damages sustained by an impounded tender or skiff.
- E.** Vessels shall be operated in the harbors and mooring areas of the Town of Trenton in a reasonable manner so as not to endanger persons or property or to cause excessive wash.

- F. No person shall refuse to obey a lawful order of the Harbor Master.
- G. Boats or vessels may anchor in those areas and for the length of time permitted by the Harbor Master.
- H. No person shall moor, or cause to be moored, any vessel, boat, scow, or raft, to any buoy or beacon placed by the Town of Trenton, the United States Government agency in the Harbors or Bays of Trenton, nor shall any person make the same fast thereto in any manner, nor willfully destroy or injure a buoy or beacon.
- I. No person shall deposit, throw, sweep, or cause to be deposited or sweep, from any vessel, wharf, dock, or any other place, into the waters of Trenton, any gas or oil, or bilge water containing same, ashes, dirt, stones, gravel, mud logs, planks, or any other substance which will obstruct the navigation of said waters, or to shoal the depth of said waters or pollute the water thereto.
- J. No person shall dump or dispose of any refuse or garbage upon any shore of the Town of Trenton, between high and low water marks, or upon waters of the ocean.
- K. No person shall cause or allow causing an unreasonable noise in the Harbors.
- L. All persons shall park their cars, trucks, and other vehicles when using a public access area set aside and marked by the Town of Trenton in such manner as to assure free access to the harbor boat launch ramp or access to the waters.
- M. All boat cradles and trailers shall be removed from the public areas when not in actual use.
- N. Boats used as tenders (**not to exceed 14ft**) shall be kept at designated locations and shall be properly cared for by the owner. All tenders shall display the owner's mooring number.
- O. Lobster traps will be allowed in the mooring areas providing they do not impede navigation or inhibit moored vessels. It shall be the responsibility of the trap owner to remove any trap entangled in a mooring.

ARTICLE 8 FINES

- A. Except as otherwise specified in this ordinance, any person who continues to violate any provision of this ordinance after receiving notice of such violation shall be subject to a fine of not less than **\$25.00** nor more than **\$100.00** for each violation. Each day a violation is continued is a separate offense. All fines shall be payable to the Town of Trenton.

ARTICLE 9 APPEALS

- A.** Any and all persons aggrieved directly or indirectly by a decision, order, rule or act, or failure to act of the Harbor Master, may appeal said decision, order, rule, act or failure to act, to the Board of Selectmen. In deciding an appeal, the Board shall hear and approve or approve with modifications of conditions, or disapprove the decision, order, rule, act or failure to act from which appeal is taken.
- B.** Such appeals shall be made in writing to the Board of Selectmen within five (5) calendar days of the decisions, order, rule, act or failure to act from which appeal is taken. It must state with specificity the decision, order, rule, act or failure to act from which the appeal is taken and the reason for the appeal. The appeal shall be considered by the Board of Selectmen within thirty (30) days of notification of appeal.
- C.** An appeal may be taken by any party from a decision of the Board of Selectmen to the Hancock County Superior Court in accordance with Maine Rule of Civil Procedure 80B.

ARTICLE 10 SEPARABILITY

- A.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.
- B.** Any prior Harbor regulation, rule, or ordinance for the Town of Trenton are hereby repealed and all Ordinances and Parts of Ordinances in conflict with or inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent prosecution or punishment of any person for any act done or committed in violation of any Ordinance hereby repealed prior to the taking effect of this Ordinance.

ARTICLE 11 EFFECTIVE DATE

This ordinance shall become effective upon adoption by a properly held Trenton Town Meeting, and shall remain in effect until amended or repealed by the legislative body. This ordinance may be amended by the Board of Selectmen only upon recommendation of the Harbor Committee.

ARTICLE 12 MOORING SPECIFICATIONS

The following general regulations shall govern the setting and maintaining of all moorings:

- a. The Harbormaster may require heavier mooring gear at his discretion.
- b. Every mooring shall carry the number assigned to it at the time of registration.
- c. Floating rope on any mooring is prohibited.
- d. All moorings shall carry an approved float from May 15 to October 1. Poles may be used if the mooring is used year round. Seasonal pole use requires permission of the Harbor Master.
- e. From May 15 to October 1, for rock moorings, mooring scope shall be equal to the depth of the water at mean low tide + 15 feet multiplied by 2 from the rock to the bow of the boat. From October 1 to May 15, pennants may be lengthened, provided such action does not interfere with nearby moorings. Mushroom anchor moorings shall have a 3 to 1 scope measured at high tide.
- g. The following are the recommended minimum specifications for all new moorings and replacement moorings in all Harbors and Mooring Areas except as otherwise provided, or individually specified by the Harbormaster. (All moorings are placed at the owner's risk.)

Boat Length	Mushroom (lbs)	Rock Size (lbs)	Bottom chain	Top chain	Nylon
Less than 20'	100	500-1000	1/2"	1/2"	5/8"
20-25'	150-200	1,500-2,000	3/4"	1/2"	5/8"
25-30'	250-300	2,000-3,000	3/4"	1/2"	3/4"
30-40'	300-400	3,000-4,500	1"	5/8"	1"
50-60'	TBD	4,500-6,000	1"	5/8"	1"
60' and over		6,000-TBD	1"	5/8"	1"

Mooring Application & Permit

For the sum of \$(), the municipality of Trenton Maine hereby authorizes:

(Name of permittee): _____ of

(Address): _____

To place a mooring in _____ Harbor or Zone () Mooring Area in an area designated by the Harbor Master or designee.

The owner shall be responsible for the following:

- 1. Compliance with all federal, state, and local laws, rules and regulations;
- 2. Maintenance of the vessel in a seaworthy condition;
- 3. Protection from hull damage to own and other vessels;
- 4. Set and maintain a safe mooring.

The owner further agrees to hold the municipality, its employees, agents, or designees harmless from any damage, risk, or liability as a result of the authorization and placement.

Boat Information:

Reg. # _____ Exp. date: _____

Make _____ Length: _____

Hull _____

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PERMIT NUMBER ASSIGNED TO MOORING _____

Signature _____ Date: _____

This permit is non-transferable and is for the use of the above named person only, except on a temporary basis at the discretion of the Harbor Master or designee.

Holder of permit is responsible to set mooring and make adjustments as required for the safety of all adjacent boats. Each mooring float must be marked with the permit number in at least three inch numbers.

